

AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 421

Introduced by Assembly Member Aroner

February 12, 1999

An act to amend Section 1300 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 421, as amended, Aroner. Health facilities: license suspension and revocation: emergency services.

Under existing law, a special permit may be issued by the State Department of Health Services to a health facility, in addition to a license, authorizing the facility to offer one or more of a variety of special services, including emergency services. Existing law provides that a licensee or holder of a special permit may surrender his or her license or special permit for suspension or revocation, with the approval of the department. Existing law places specified restrictions, including departmental review of the county impact evaluation, on approval of the downgrade or closure of emergency services pursuant to these provisions. Violation of the existing law provisions relating to health facilities, or willful or repeated violation of any rule or regulation adopted thereunder, is a crime.

This bill would additionally provide that, notwithstanding the above provisions, if the county or its designated local emergency services agency concludes that a downgrade to

standby emergency medical services, or the closure of an emergency service, would not be in the best interest of the general public, the department shall not approve a special permit for a standby emergency medical service or shall not permit the closure of the emergency service. The bill would declare that its provisions shall only apply in urban counties, as defined. *This bill would also provide that it does not apply to certain facilities subject to closure under specified provisions of law.*

Existing law requires each county or its designated local emergency medical services agency to develop a policy specifying the criteria it will consider in conducting an impact evaluation.

This bill would require that policy to include evaluation of the economic impact on the owner of the facility.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1300 of the Health and Safety
2 Code is amended to read:

3 1300. (a) Any licensee or holder of a special permit
4 may, with the approval of the state department,
5 surrender his or her license or special permit for
6 suspension or cancellation by the state department. Any
7 license or special permit suspended or canceled pursuant
8 to this section may be reinstated by the state department
9 on receipt of an application showing compliance with the
10 requirements of Section 1265.

11 (b) Before approving a downgrade or closure of
12 emergency services pursuant to subdivision (a), the state
13 department shall receive a copy of the impact evaluation
14 of the county to determine impacts, including, but not



1 limited to, an impact evaluation of the downgrade or
2 closure upon the community, including community
3 access to emergency care, and how that downgrade or
4 closure will affect emergency services provided by other
5 entities. Development of the impact evaluation shall
6 incorporate at least one public hearing. The county in
7 which the proposed downgrade or closure will occur shall
8 ensure the completion of the impact evaluation, and shall
9 notify the department of results of an impact evaluation
10 within three days of the completion of that evaluation.
11 The county may designate the local emergency medical
12 services agency as the appropriate agency to conduct the
13 impact evaluation. The impact evaluation and hearing
14 shall be completed within 60 days of the county receiving
15 notification of intent to downgrade or close emergency
16 services. The county or designated local emergency
17 medical services agency shall ensure that all hospital and
18 prehospital health care providers in the geographic area
19 impacted by the service closure or change are consulted
20 with, and local emergency service agencies and planning
21 or zoning authorities are notified, prior to completing an
22 impact evaluation as required in this section. This
23 subdivision shall be implemented on and after the date
24 that the county in which the proposed downgrade or
25 closure will occur, or its designated local emergency
26 medical services agency, has developed a policy
27 specifying the criteria it will consider in conducting an
28 impact evaluation, as required by this subdivision.

29 (c) (1) Notwithstanding subdivision (a), if the county
30 or its designated local emergency services agency
31 concludes that a downgrade to standby emergency
32 medical services, or the closure of an emergency service,
33 would not be in the best interest of the general public, and
34 includes this conclusion in its impact evaluation, the
35 department shall not approve a special permit for a
36 standby emergency medical service, or shall not permit
37 the closure of the emergency service.

38 (2) *Paragraph (1) shall not apply to a facility or unit*
39 *within a facility that is subject to closure by the*

1 *department pursuant to subparagraph (B) of paragraph*
2 *(2) of subdivision (c) of Section 1280.*

3 (3) This subdivision shall only apply in urban counties,
4 as defined in Section 50801.

5 (d) The Emergency Medical Services Authority shall
6 develop guidelines for development of impact evaluation
7 policies. On or before June 30, 1999, each county or its
8 designated local emergency medical services agency
9 shall develop a policy specifying the criteria it will
10 consider in conducting an impact evaluation pursuant to
11 subdivision (b). *The policy shall include an evaluation of*
12 *the economic impact on the owner of the facility of*
13 *keeping the emergency room open or not downgrading*
14 *it to standby status.* Each county or its designated local
15 emergency medical services agency shall submit its
16 impact evaluation policy to the department and the
17 Emergency Medical Services Authority within three days
18 of completion of the policy. The Emergency Medical
19 Services Authority shall provide technical assistance
20 upon request to a county or its designated local
21 emergency medical services agency.

22 SEC. 2. No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution because the only costs that may be incurred
25 by a local agency or school district will be incurred
26 because this act creates a new crime or infraction,
27 eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition
30 of a crime within the meaning of Section 6 of Article
31 XIII B of the California Constitution.